

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN P. KELLY, ESQUIRE  
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(COUNSEL FOR MOVANT)

In Re:  
Myriame Duplan aka Myriame Berrios aka  
Myriame Duplan Berrios  
Debtor

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U.S. Bank Trust, N.A., as Trustee for LSF9 Master  
Participation Trust  
Creditor/Movant

v.  
Marie- Ann Greenburg  
(Respondents)



Order Filed on October 25, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case Number: 16-16594-VFP

Chapter 13

Hearing:  
Judge: Vincent F. Papalia

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTLING THE MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two(2) through four(4) is  
hereby **ORDERED**.

**DATED: October 25, 2018**

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

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Debtor: Myriame Duplan aka Myriame Berrios aka Myriame Duplan Berrios

Case Number: 16-16594-VFP

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

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Upon the Motion of U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 72 Willow Way, Wanaque, NJ 07465 ("Property"), and the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED and DECREED as follows:

1. At the date of this Order, Myriame Duplan aka Myriame Berrios aka Myriame Duplan Berrios ("Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from 08/01/2017 to 09/01/2018 as follows:

|  |                    |
|--|--------------------|
| a. Monthly payments total (\$1,057.71/mo): | <u>\$38,351.12</u> |
| b. Post-petition suspense balance:         | (\$188.80)         |
| c. Attorney Fees:                          | \$1,031.00         |
| d. Total arrear as of date of Order:       | \$39,193.32        |
2. Debtor shall cure the Arrears as set forth above by paying 1/6 of the Arrears per month (\$6,532.22) for the next ~~six~~ months together with the regular monthly mortgage payment (currently \$2,753.74) for a total monthly payment of \$9,285.96 for the next 6 months beginning in October. In the event the regular monthly payment changes for any reason, then the amount due pursuant to paragraph 2 shall be adjusted accordingly. Thereafter, Debtor agrees to continue making the regular monthly mortgage payment.
3. Payments due in accordance with this Order shall be due on or before the 1<sup>st</sup> day of each month.
4. Debtor shall make the regular monthly payments required to the Trustee.
5. All payments due to the Creditor from the Debtor are to be made directly to Caliber Home Loans, Inc., and making sure that Creditor's loan number appears on all payments.
6. In the event that Movant alleges that Debtor has failed to comply with obligations under paragraph 3 & 5 of this Consent Order/Stipulation, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust and/or Counsel may give Debtors and Debtors' counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtors and Debtors' counsel, the Court may grant U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A". Debtors shall pay attorney's fees for each notice of default issued by Movant as a result of the Debtors' failure to comply with this Consent Order/Stipulation.

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Debtor: Myriame Duplan aka Myriame Berrios aka Myriame Duplan Berrios

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7. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder. In the event Debtor fails to comply with the terms of this Order for more than 30 days, Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust may submit a certification of default and proposed Order for Relief from the Automatic Stay to the court and serve a copy of such Certification of Default upon the Debtor and Debtor's counsel. Fourteen days after receipt of a Certification of Default, the court will enter an order granting U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust relief from the automatic stay unless the Debtor has filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
8. Upon issuance of the aforesaid Order, the parties hereto further agree that U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.
9. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A".



DAVID L. STEVENS, ESQUIRE  
COUNSEL FOR DEBTOR

/s/ STEVEN P. KELLY, ESQUIRE

STEVEN P. KELLY, ESQUIRE  
STERN & EISENBERG, PC  
ATTORNEY FOR CREDITOR

In re:  
Myriame Duplan  
Debtor

Case No. 16-16594-VFP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2018.

db +Myriame Duplan, 72 Willow Way, Wanaque, NJ 07465-1709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 28, 2018

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2018 at the address(es) listed below:

David L. Stevens on behalf of Debtor Myriame Duplan dstevens@scuramealey.com,  
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/tscialla@scuramealey.com;mmack@scura.com;jesp  
osito@scuramealey.com  
Denise E. Carlon on behalf of Creditor Bayview Loan Servicing, LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com  
Robert P. Saltzman on behalf of Creditor Ditech Financial LLC f/k/a Green Tree Servicing LLC  
dnj@pbslaw.org  
Sindi Mncina on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST smncina@rascrane.com  
Steven P. Kelly on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST skelly@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 8